

ASSIGNMENT BY INVENTORS

THIS ASSIGNMENT, made by Cornelius V. Rensburg and Piu B. Wong (hereinafter referred to as Assignors), residing at 1684 Dell Avenue, Campbell, California 95008; and 17280 Clara Street, Monte Sereno, California 95030, respectively;

WHEREAS, Assignors have invented certain new and useful improvements in SYSTEM AND METHOD FOR SELECTING OPTIMIZED BEAM CONFIGURATION, set forth in a Patent application for Letters Patent of the United States, already filed on August 17, 2001 as U.S. application No. 09/932,261; and

WHEREAS, Metawave Communications Corporation, a organized under and pursuant to the laws of Washington having its principal place of business at 10735 Willows Road Northeast, Redmond, Washington 98052 (hereinafter referred to as Assignee), is desirous of acquiring the entire right, title and interest in and to said inventions and said Application for Letters Patent of the United States, and in and to any Letters Patent of the United States to be obtained therefore and thereon.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, Assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions and application for Letters Patent, and in and to any and all direct and indirect divisions, continuations and continuations-in-part of said application, and any and all Letters Patent in the United States and all foreign countries which may be granted therefore and thereon, and reissues, reexaminations and extensions of said Letters Patent, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by Assignee, for its own use and benefit and the use and benefit of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent may be granted and/or extended, as fully and entirely as the same would have been held and enjoyed by Assignors, had this sale and assignment not been made.

AND for the same consideration, Assignors hereby represent and warrant to Assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, except for any rights, titles and/or interests that have arisen to Assignee under law or that have already been transferred to Assignee, Assignors are the sole and lawful owners of the entire right, title and interest in and to the said inventions and application for Letters Patent above-mentioned, and that the same are unencumbered and that Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, Assignors hereby covenant and agree to and with Assignee, its successors, legal representatives and assigns, that Assignors will sign all papers and documents, take all lawful oaths and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of any Letters Patent and applications for Letters Patent for said inventions, without charge to Assignee, its successors, legal representatives and assigns, whenever counsel of Assignee, or counsel of its successors, legal representatives and assigns, shall advise: that any proceeding in connection with said inventions, or said Patent application for Letters Patent, or any proceeding in connection with any Letters Patent or applications for Letters Patent for said inventions in any country, including but not limited to interference proceedings, is lawful and desirable; or, that any division, continuation or continuation-in-part of any application for Letters Patent, or any reissue, reexamination or extension of any Letters Patent, to be obtained thereon, is lawful and desirable.

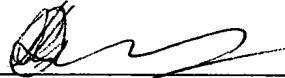
AND Assignors hereby request the Commissioner of Patent and Trademarks to issue said Letters Patent of the United States to Assignee, as Assignee of said inventions and the Letters Patent to be issued thereon, for the sole use and benefit of Assignee, its successors, legal representatives and assigns.

AND Assignors hereby grant the following individuals the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document:

FULBRIGHT & JAWORSKI L.L.P.

| | | | | | |
|-------------------------|--------|--------------------|--------|---------------------|--------|
| Jody C. Bishop | 44,034 | Jerry Mahurin | 34,661 | David H. Tannenbaum | 24,745 |
| Michael J. Fogarty, III | 42,541 | Thomas J. Meaney | 41,990 | William B. Tiffany | 41,347 |
| Leslie S. Garmaise | 47,587 | Michael A. Papalas | 40,381 | R. Ross Viguet | 42,203 |
| Matthew D. Jones | 44,810 | | | | |

AND Assignors acknowledge an obligation of assignment of this invention to Assignee at the time the invention was made.

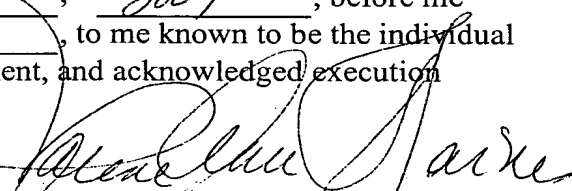


Cornelius V. Rensburg

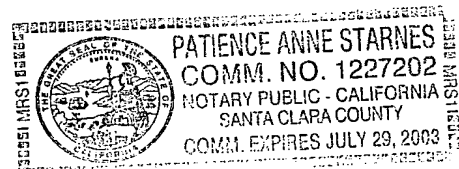
Date: 10/12/2001

United States of America)
State of STATE OF CALIFORNIA ss.:
County of COUNTY OF SANTA CLARA

On this 12 day of October, 2001, before me personally came Cornelius V. Rensburg, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.



Notary Public



Piu B. Wong
Piu B. Wong

Date: October 11, 2001

United States of America)
State of Washington) ss.:
County of King)

On this 11 day of October, 2001, before me
personally came Piu B. Wong, to me known to be the individual
described in and who executed the foregoing instrument, and acknowledged execution
of the same.

Nita C. Ottand
Notary Public

**DECLARATION (CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION
DATA SHEET (37 CFR 1.76)**

Attorney Docket No. 47586-P067US-10106269

As a below named inventor(s), I/we declare that:

The declaration is directed to:

☒ The attached application, or

☐ Application No. _____, filed on _____

☐ as amended on _____ (if applicable).

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT international filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME(S) OF INVENTORS:

Inventor one: Cornelius V. Rensburg

Signature: _____ Citizen of: _____

Inventor two: Piu B. Wong

Signature: _____ Citizen of: Hong Kong

Inventor three: _____

Signature: _____ Citizen of: _____

Inventor four: _____

Signature: _____ Citizen of: _____

☐ Additional inventors are being named on _____ additional form(s) attached hereto.